

# Title 130 WAC

## COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (TRADE AND ECONOMIC DEVELOPMENT)

### Chapters

**130-10**      **Public records—Disclosure.**  
**130-14**      **Child care facility fund rules.**  
**130-16**      **Industrial development—Revenue  
                 bonds—Financing eligibility.**

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 130-12 BUSINESS COORDINATION ACT

130-12-010      Declaration of purpose. [Order 76-1, § 130-12-010, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-020      Definitions. [Order 76-1, § 130-12-020, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-030      Licenses which may be included on the master license. [Order 76-1, § 130-12-030, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-040      Businesses covered. [Order 76-1, § 130-12-040, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-045      Qualified applicants. [Order 76-1, § 130-12-045, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-050      Participation. [Order 76-1, § 130-12-050, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-060      Authority to prepare forms. [Order 76-1, § 130-12-060, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-110      New application procedures. [Order 76-1, § 130-12-110, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-120      Number assignments and changes in business. [Order 76-1, § 130-12-120, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-125      Notification of changes. [Order 76-1, § 130-12-125, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-130      Issuance of temporary license. [Order 76-1, § 130-12-130, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-140      Notification to administering agencies. [Order 76-1, § 130-12-140, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-150      Automatic license approvals. [Order 76-1, § 130-12-150, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-160      Agency approval of application. [Order 76-1, § 130-12-160, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-170      Exceptions to agency approval provisions. [Order 76-1, § 130-12-170, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-180      Agency denial of application. [Order 76-1, § 130-12-180, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-210      Assignment of renewal schedules. [Order 76-1, § 130-12-210, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-220      Verification of license status. [Order 76-1, § 130-12-220, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-230      Automatic renewal of licenses. [Order 76-1, § 130-12-230, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-240      Renewal notices. [Order 76-1, § 130-12-240, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-250      Renewal procedures. [Order 76-1, § 130-12-250, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-310      Handling of fees. [Order 76-1, § 130-12-310, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-320      Application withdrawal. [Order 76-1, § 130-12-320, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-330      Master license fee. [Order 76-1, § 130-12-330, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-340      Fee requirements. [Order 76-1, § 130-12-340, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-350      Prorating of fees. [Order 76-1, § 130-12-350, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-360      Late filing procedures. [Order 76-1, § 130-12-360, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-410      Issuing of master license. [Order 76-1, § 130-12-410, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-510      Supplemental applications. [Order 76-1, § 130-12-510, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-520      Revoking of licenses. [Order 76-1, § 130-12-520, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-530      Individual license voiding procedures. [Order 76-1, § 130-12-530, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

130-12-610	Posting. [Order 76-1, § 130-12-610, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-620	Transferability. [Order 76-1, § 130-12-620, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-630	Misuse of master license. [Order 76-1, § 130-12-630, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-640	Loss of master license. [Order 76-1, § 130-12-640, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-710	Coordination of inspections. [Order 76-1, § 130-12-710, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-720	Training of inspectors. [Order 76-1, § 130-12-720, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-730	Inspection log sheets. [Order 76-1, § 130-12-730, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

### Chapter 130-10 WAC

#### PUBLIC RECORDS—DISCLOSURE

##### WAC

130-10-010	Purpose.
130-10-020	Definitions.
130-10-030	Establishment of department.
130-10-040	Programs operated by department.
130-10-050	Public records—Availability.
130-10-060	Request for public records.
130-10-065	Fees—Inspection and copying.
130-10-070	Protection of public records.
130-10-075	Records index.
130-10-080	Interpretive and policy statements.
130-10-085	Disclosure procedure.
130-10-090	Exemptions to public records disclosure.
130-10-091	Temporary exemptions to disclosure.
130-10-095	Qualifications on nondisclosure.
130-10-100	Review of denials of public records request.

**WAC 130-10-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the department of trade and economic development with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340 and the Administrative Procedure Act, chapter 34.05 RCW, Part II.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-010, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-020 Definitions.** (1) "Department" means the department of trade and economic development.

(2) "Disclosure" means inspection and/or copying.

(3) "Public records" include writing containing information related to the conduct of government or the performance of a governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording a form of communication or representation, including:

(a) Letters, words, pictures, sounds, or symbols; and

(b) All papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(5) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the director, to implement a statute or court decision, including where appropriate the agency's current practice, procedure, or method of action.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-020, filed 11/5/90, effective 12/6/90.]

#### WAC 130-10-030 Establishment of department. (1)

The department of trade and economic development was created effective June 30, 1985 under the authority of chapter 43.31 RCW. The former department of commerce and economic development was abolished and the department was assigned all its reports, documents, surveys, books, records, files, papers, written materials, physical assets, and all its classified employees.

(2) The department was established to pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy.

(3) The administrative office of the department is located in Olympia. Certain programs are located in branch offices located in Seattle, Pasco, Tokyo, Japan and Taipei, Taiwan. A contract representative is located in London, England.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-030, filed 11/5/90, effective 12/6/90.]

#### WAC 130-10-040 Programs operated by department. The department operates the following programs:

(1) Under the office of the director:

- (a) Communications
- (b) Forest products program
- (c) Government relations/legislative liaison
- (d) International relations and protocol
- (e) Policy analysis

(2) The business assistance center including:

- (a) Business finance authority
- (b) Employer child care program
- (c) Markets for recycled materials program
- (d) Minority business assistance program
- (e) Small business service

(f) Washington marketplace program

(3) Business development including:

- (a) Business and job retention program
- (b) Business expansion division
- (c) Community economic revitalization board
- (d) Team Washington program
- (e) Tri-cities diversification program

(4) Market and targeted industry development including:

- (a) Canada program
- (b) European program
- (c) Film and video development
- (d) Japan program
- (e) Product export development division
- (f) Targeted sectors program

(5) Tourism development including:

- (a) Advertising and marketing
- (b) Facilities development
- (c) Information services
- (d) Research
- (e) Technical assistance
- (6) Administrative services including:
  - (a) Budget and fiscal
  - (b) Contracts
  - (c) Human resources
  - (d) Information systems
  - (e) Word processing

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-040, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-050 Public records—Availability.** (1) Public records are available for public inspection and copying except as otherwise provided by RCW 42.17.310 and these rules.

(2) Requests for any identifiable public record shall be made directly to the Director, Administrative Services Division, 101 General Administration Building, AX-13, Olympia, WA 98504.

(3) The department will at all times take the most timely possible action on requests for disclosure.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-050, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-060 Request for public records.** (1) A request for disclosure of a public record may be oral or written. Such a request need merely identify with reasonable certainty the record sought to be disclosed.

(2) A request for disclosure shall be made during customary business hours.

(3) A request for disclosure shall not be made for commercial or political purposes.

(4) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(5) Nothing in this section or elsewhere in this chapter shall be construed to require the department to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the department and is not required for litigation by rules of pretrial discovery.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-060, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-065 Fees—Inspection and copying.** (1) No fee shall be charged for the inspection of public records.

(2) The department shall collect the following fees to reimburse itself for actual costs incident to providing copies of public records:

(a) Most reports or publications will be free unless out of print, in which case cost of copying and mailing will be charged. Certain publications will be charged at established prices;

(2007 Ed.)

(b) Cost of copying of blueprints and like materials involving an extraordinary expense shall be fully reimbursed to the department;

(c) Otherwise, the department shall charge a fee of ten cents per page, plus postage if any, provided that:

(i) The first ten pages shall be free;

(ii) Additionally, any materials to be entered by the department as an exhibit in a hearing or trial shall be free.

(3) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of reports or other public records with other state or federal agencies, whenever doing so is in the best interest of the department or the state.

(4) The director of the department or his designee is authorized to waive any of the foregoing copying costs.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-065, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-070 Protection of public records.** (1) No person shall knowingly alter, deface, or destroy public records of the department.

(2) Original copies of public records of the department shall not be removed from the premises where maintained.

(3) Care and safekeeping of public records furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-070, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-075 Records index.** (1) The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence reports, surveys, staff studies and other materials. Therefore, requests for records should generally relate to those programs listed under WAC 130-10-040.

(2) The department will make available for public disclosure all indices which may at a future time be developed for agency use.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-075, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-080 Interpretive and policy statements.** (1) After July 1, 1990, when administering programs requiring distribution of interpretive and policy statements, departments are obligated to create an index in accordance with RCW 34.05.220. This section is intended to implement this statute. Any interpretive and policy statements issued by the department will be sent to interested persons.

(2) The department will maintain a roster of persons interested in receiving such interpretive and policy statements. Copies of new or amended statements will be sent to persons listed on the roster.

(3) A person needing interpretive and policy statements may request copies, in writing, from the Director, Administrative Services, 101 General Administration Building, AX-13, Olympia, WA 98504.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-080, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-085 Disclosure procedure.** (1) The director, administrative services, or his/her designee, shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the director of administrative services, or his/her designee, shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the director of administrative services shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-085, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-090 Exemptions to public records disclosure.** Nondisclosable records are those exempted by RCW 42.17.310 including the following pertinent to department activities:

(1) Financial and commercial information and records supplied by private persons pertaining to export services.

(2) Financial and commercial information and records supplied by businesses during application for loans or program services.

(3) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(4) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(5) Personal information in files maintained for an employee of the department.

(6) The residential addresses and residential telephone numbers of employees or volunteers of the department.

(7) Preliminary drafts, notes, recommendations, and intragency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited in connection with any agency action.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-090, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-091 Temporary exemptions to disclosure.** (1) Records relevant to a controversy to which the department is a party which would not be available to another party under the rules of pretrial discovery for cases pending in the superior courts, including records involving attorney-

client communications between the department and the office of the attorney general privileged under RCW 5.60.060(5) until the case is settled.

(2) Competitive contract procurement instruments, such as (a) requests for proposals or invitations for bids, until released to potential bidders; (b) proposals and bids received in response to competitive contract procurement instruments until either the opening of bids or, for unfunded proposals, until the contractor and the department have signed a contract.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-091, filed 11/5/90, effective 12/6/90.]

#### **WAC 130-10-095 Qualifications on nondisclosure.**

(1) No exemptions under WAC 130-10-090 shall be construed to include statistical information not descriptive of identifiable clients.

(2) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-095, filed 11/5/90, effective 12/6/90.]

**WAC 130-10-100 Review of denials of public records request.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the Director, Administrative Services, 101 General Administration Building, AX-13, Olympia, WA 98504. The written request shall point out specific objections to the written statement which accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the director of administrative services shall refer it to the office of administrative hearings. The chief administrative law judge or his designee shall consider the matter and either affirm or reverse such denial within ten business days following the request for review.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-100, filed 11/5/90, effective 12/6/90.]

### **Chapter 130-14 WAC**

#### **CHILD CARE FACILITY FUND RULES**

##### **WAC**

130-14-010	Definitions.
130-14-020	Loan guarantees.
130-14-030	Direct loans.
130-14-040	Grants.
130-14-050	Project eligibility.
130-14-060	Use of funds.
130-14-070	Reports.

#### **WAC 130-14-010 Definitions.** As used in this chapter:

Capital improvements means improvements to real property or improvements or acquisition of personal property which is depreciable under the Federal Tax Code.

Existing child care facility means that facility which holds a current license for a child care facility from the

department of social and health services (DSHS) at the time of application to the child care facility fund.

New child care facility means that facility that does not hold a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

Applicant means either:

(1) One or more businesses seeking to establish or cause to be established a child care facility primarily for use of the children of its employees; or

(2) A child care facility that has a written contract with one or more private sector businesses to provide child care for the employees of that business.

(3) A business, organization or person whose primary purpose is to provide child care services. Sectarian organizations are not eligible organizations.

[Statutory Authority: RCW 43.31.504. 02-06-043, § 130-14-010, filed 2/27/02, effective 3/30/02; 92-02-015, § 130-14-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-010, filed 8/14/90, effective 9/14/90.]

**WAC 130-14-020 Loan guarantees.** (1) Loans that are awarded to an applicant through a lending institution can be guaranteed by the child care facility fund up to eighty percent of the loan or to a maximum of twenty-five thousand dollars. Such loan must be intended to start or expand a child care facility and be made by a state or federally regulated financial institution.

(2) The loan guarantee shall be awarded on a one-time-only basis and shall not exceed twenty-five thousand dollars.

(3) Applicants must provide sufficient collateral for funds under this section, as determined by the child care facility fund committee.

[Statutory Authority: RCW 43.31.504. 92-02-015, § 130-14-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-020, filed 8/14/90, effective 9/14/90.]

**WAC 130-14-030 Direct loans.** (1) Direct loans may be awarded to the applicant on a one-time-only basis and shall not exceed a maximum of one hundred thousand dollars.

(2) Repayment of the direct loan shall be made to the child care facility revolving fund.

(3) Interest rates for a direct loan may be up to prime rate, negotiated on a case-by-case basis, fixed for the life of the loan. Loan terms shall be negotiated on a case-by-case basis.

(4) Applicants must provide sufficient collateral for funds loaned under this section, as determined by the child care facility fund committee.

(5) Applicants may be charged a one-time loan origination fee.

[Statutory Authority: RCW 43.31.504. 02-06-043, § 130-14-030, filed 2/27/02, effective 3/30/02; 92-02-015, § 130-14-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-030, filed 8/14/90, effective 9/14/90.]

**WAC 130-14-040 Grants.** (1) A grant may be awarded to the applicant on a one-time-only basis.

(2) A grant shall not exceed a maximum of twenty-five thousand dollars and must be matched on a dollar-for-dollar basis with cash or goods or services that would otherwise

have required cash outlay and are necessary for start up or capital improvement expenses.

(3) Full repayment of a grant to the child care facility revolving fund is required if the child care facility ceases to provide child care earlier than the following time periods from the date the grant is made:

(a) Twelve months for a grant up to five thousand dollars;

(b) Twenty-four months for a grant over five thousand dollars to ten thousand dollars;

(c) Thirty-six months for a grant over ten thousand dollars to fifteen thousand dollars;

(d) Forty-eight months for a grant over fifteen thousand dollars to twenty thousand dollars;

(e) Sixty months for a grant over twenty thousand dollars to twenty-five thousand dollars.

(4) Applicants must provide sufficient collateral for funds for this section, as determined by the child care facility fund committee.

[Statutory Authority: RCW 43.31.504. 92-02-015, § 130-14-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-040, filed 8/14/90, effective 9/14/90.]

**WAC 130-14-050 Project eligibility.** To receive child care facility funds under these provisions, an applicant must:

(1) Include with their application a copy of the required state license for child care services.

(2) Submit a plan that includes a description of:

(a) The need for a new or improved child care facility in the area to be served by the applicant;

(b) The steps to be taken to serve a reasonable number of:

(i) Handicapped children;

(ii) Sick children;

(iii) Infants;

(iv) Children requiring nighttime or weekend care;

(v) Children whose costs of care are subsidized by the government;

(c) Why financial assistance from the state is needed to start or improve the child care facility;

(d) How the guaranteed loan, direct loan, or grant will be used, and how such use will meet the described need;

(e) The child care services to be available at the facility and the capacity of the applicant to provide these services;

(f) The financial status of the applicant, including other resources available to the applicant which will ensure the viability of the facility and the availability of its described services.

[Statutory Authority: RCW 43.31.504. 02-06-043, § 130-14-050, filed 2/27/02, effective 3/30/02; 92-02-015, § 130-14-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-050, filed 8/14/90, effective 9/14/90.]

**WAC 130-14-060 Use of funds.** Eligible activities and uses of child care facility funds include:

(1) Capital improvements for new or existing licensed child care facilities;

(2) Operating capital for new facilities which are available for a period limited to the first three months of operation.

(3) Purchase of land or buildings which enables a child care business to increase the number licensed child care slots.

[Statutory Authority: RCW 43.31.504, 02-06-043, § 130-14-060, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 43.31.085, 90-17-054, § 130-14-060, filed 8/14/90, effective 9/14/90.]

**WAC 130-14-070 Reports.** Recipients shall annually for two years following the receipt of the loan guarantee, direct loan, or grant, submit to the child care facility fund committee a report on the facility and how it is meeting the child care needs for which it was intended.

[Statutory Authority: RCW 43.31.085, 90-17-054, § 130-14-070, filed 8/14/90, effective 9/14/90.]

## Chapter 130-16 WAC

### INDUSTRIAL DEVELOPMENT—REVENUE BONDS—FINANCING ELIGIBILITY

#### WAC

130-16-010	Purpose and authority.
130-16-020	Definitions.
130-16-030	Application procedure.
130-16-040	Application processing.
130-16-050	Petition for reconsideration.
130-16-060	Contested case hearings.
130-16-070	Judicial review.
130-16-080	Time.
130-16-090	Written notification.

**WAC 130-16-010 Purpose and authority.** The department of commerce and economic development is charged with determining whether proposed construction or improvement projects, for which financing is sought through revenue bonds issued under chapter 39.84 RCW (chapter 300, Laws of 1981) are for industrial development facilities eligible for such financing. The purpose of the rules contained in this chapter is to establish the procedure and requirements for submitting an application for such an eligibility determination, as required by RCW 39.84.090 (section 9, chapter 300, Laws of 1981), and these rules are intended to administratively implement that statute.

[Statutory Authority: RCW 39.84.090, 82-04-022 (Order 82-1), § 130-16-010, filed 1/26/82.]

**WAC 130-16-020 Definitions.** The following words and terms have the following meanings for the purposes of this chapter, unless the context in which they are used indicates otherwise:

(1) "Department" means the department of commerce and economic development. Where appropriate, the term "department" also means members of the staff or employees of the department of commerce and economic development.

(2) "Director" means the director of the department of commerce and economic development.

(3) "The act" means chapter 300, Laws of 1981, (municipal industrial development program), as codified in chapter 39.84 RCW.

(4) "Industrial development facilities" means manufacturing, processing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, and energy facilities.

(5) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and park-

ing, handling and storage areas, and similar ancillary facilities.

(6) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(7) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(8) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued under the act for the purpose of financing an industrial development facility on an interim or permanent basis.

(9) "Public corporation" means a corporation created pursuant to provisions of the act.

(10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement entered into pursuant to section 12 of the act; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this subsection.

[Statutory Authority: RCW 39.84.090, 82-04-022 (Order 82-1), § 130-16-020, filed 1/26/82.]

**WAC 130-16-030 Application procedure.** (1) Prior to issuance of any revenue bonds to finance the project costs of industrial development facilities, each public corporation proposing such a bond issue shall submit an application to the department for a determination of the eligibility of the industrial development facility under the act for such financing.

(2) Such applications shall be submitted on a form prescribed by the director, copies of which may be obtained from the department by writing to:

Department of Commerce  
and Economic Development  
Industrial Development Division  
101 General Administration Building  
Olympia, Washington 98504  
Mailstop AX-13

(3) Where indicated on the form, each applicant for eligibility determination shall:

(a) Describe fully the proposed acquisition, construction or improvement project and the facilities affected thereby; and

(b) Specify the basis for qualification as an industrial development facility by describing the manufacturing, processing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, or energy related functions of the facilities.

(4) Each application form must be accompanied by a copy of the applicant public corporation's enabling ordinance and charter. Provided, however, If a copy of such ordinance and charter, current as of the date of the application, has previously been submitted to the department in connection with a different application for eligibility determination, then the requirement for submitting a copy of enabling ordinance and charter may be satisfied by reference to the prior application.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-030, filed 1/26/82.]

**WAC 130-16-040 Application processing.** (1) Upon receipt of any application for determination of industrial development facility eligibility, the department will initially review the application for satisfactory compliance with WAC 130-16-030(3) and 130-16-030(4).

(2) If the department determines that the descriptive information required by WAC 130-16-030(3), as provided in the application, is insufficient upon which to render a determination of eligibility, the public corporation will be so notified within five working days of receipt of the application. The notice so provided will address the department's concerns with the adequacy of the information provided, and will invite the public corporation to amend the descriptive information in its application, in writing. The public corporation may thereafter submit an amended application with new or supplemental descriptive information as appropriate, or it may notify the department in writing that no further descriptive information will be provided with the application.

(3) No application will be deemed complete, for purposes of determining the eligibility of an industrial development facility, until the public corporation has complied with WAC 130-16-030(3) to the satisfaction of the department or until the public corporation has notified the department in writing that no further descriptive information will be provided with the application. Failure to comply with WAC 130-16-030(4) will not preclude determination of eligibility, however, the public corporation will be advised that it has failed to comply with RCW 39.84.090(1) and WAC 130-16-030(4).

(4) Within twelve working days of the receipt of a completed application, the department will notify the public corporation if the industrial development facility described in the application is not eligible under the act. Such notice will specify the department's basis for determining ineligibility.

(5) Failure to be notified of ineligibility as herein provided will be deemed a determination of eligibility; the department may also notify the public corporation of eligibility.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-040, filed 1/26/82.]

**WAC 130-16-050 Petition for reconsideration.** (1) Any public corporation, after receipt of the department's notice of the ineligibility of an industrial development project, may petition for reconsideration. Such petitions must set forth with particularity the grounds upon which reconsideration is sought.

(2) A petition for reconsideration must be received by the department within fifteen days of when the notice of ineligibility is received by the public corporation.

(2007 Ed.)

(3) The timely filing of a petition for reconsideration shall suspend the department's determination of ineligibility until the corporation receives the department's written notification that the petition is denied or that the determination of ineligibility is reversed.

(4) In response to a petition for reconsideration, the department may either (a) deny the same, (b) call for further answer, or (c) reverse its prior determination of ineligibility.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-050, filed 1/26/82.]

**WAC 130-16-060 Contested case hearings.** The department shall hold a formal hearing on a petition for reconsideration, conducted as a contested case under chapter 34.04 RCW (Administrative Procedure Act), as now or hereafter amended, whenever requested by a public corporation in its petition for reconsideration.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-060, filed 1/26/82.]

**WAC 130-16-070 Judicial review.** Any public corporation aggrieved by a final decision in a contested case before the department is entitled to judicial review in the manner prescribed in chapter 34.04 RCW (Administrative Procedure Act), as now or hereafter amended.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-070, filed 1/26/82.]

**WAC 130-16-080 Time.** In computing any period of time prescribed or allowed in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. Legal holidays are prescribed in RCW 1.16.050. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-080, filed 1/26/82.]

**WAC 130-16-090 Written notification.** Whenever in this chapter written notification is prescribed, which shall include the filing of a petition for reconsideration, the notification shall be made by depositing the papers in the post office, properly addressed, with postage prepaid. Whenever in this chapter written notification is required to be given by the department, such notification shall be by certified mail. Any written notice shall be deemed received upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday or legal holiday, in which event the notice shall be deemed received on the first day other than a Saturday, Sunday or legal holiday, following the third day. Legal holidays are prescribed in RCW 1.16.050.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-090, filed 1/26/82.]